

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-cv-00009-MOC
(3:16-cr-00233-DCK-1)**

JAMES SCOTT ERVIN, JR.,)
)
 Petitioner,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

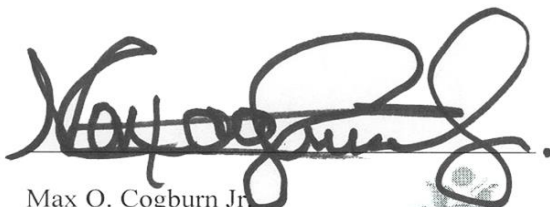
ORDER

THIS MATTER is before the Court on its own motion on the Government's Response to Order to Show Cause [Doc. 16] and the United States Supreme Court's decision in Greer v. United States, 141 S.Ct. 2090 (2021).

For the reasons stated in the Court's Show Cause Order [Doc. 15] and on the Government's agreement that the stay in this matter should be lifted [Doc. 16], the Court will lift the stay and order that the Government has 45 days to file its response to the Petitioner's Section 2255 Motion to Vacate [Doc. 1]. In its response, the Government should also respond to Petitioner's other pending motions [Docs. 2, 3, 9, 10, 12-14], as appropriate.

IT IS, THEREFORE, ORDERED that the stay in this matter is hereby **LIFTED** and the Government shall have forty-five (45) days from this Order to file its response in this matter in accordance with the terms of this Order.

Signed: July 14, 2021


Max O. Cogburn Jr.
United States District Judge